

EXHIBIT 6

**PLAINTIFF'S (Petitioner's) OAH PETITION FOR
CONTEST CASE HEARING**

STATE OF NORTH CAROLINA

COUNTY OF DAVIDSON

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS

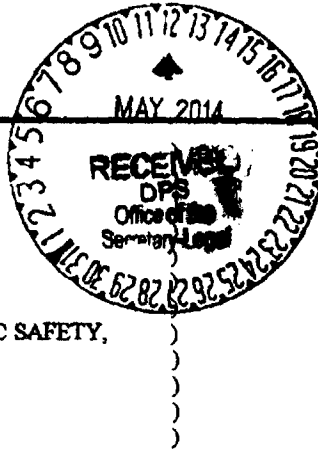
FREDDIE WAYNE HUFF II

PETITIONER,

v.

NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY,

RESPONDENT.



PETITION
FOR A
CONTESTED CASE HEARING

I hereby ask for a contested case hearing as provided for by North Carolina General Statute § 150B-23 because the Respondent has:

Dismissed petitioner from employment with the North Carolina Department of Public Safety, Division of the State Highway Patrol, on April 21, 2014 without due cause. Petitioner filed a grievance as provided in NCGS § 126-34.01 and was denied grievance procedures. Petitioner was denied a grievance of his dismissal by respondent based on a perceived failure to meet the statutory definition of a "career state employee" as defined in NCGS § 126-1.1(a)(2). Petitioner contends he meets the statutory definition of a career state employee under NCGS § 126-1.1 (a)(2) by virtue of the exemptions found in NCGS § 126-5 (a)(2)(d). While petitioner's employment was less than 24 months as required by NCGS 126-1.1 (a)(2), petitioner contends he meets the local entity exception found in NCGS § 126-1.1 (a)(2). Petitioner was employed from March 24, 2003 to March 5, 2013 with the Lexington Police Department as a police officer. Petitioner contends the Lexington Police Department is a local emergency management agency and meets the definition found in NCGS § 166A-19.3 (9) which defines emergency management agency as a state or local governmental agency charged with coordination of all emergency management activities for its jurisdiction.

Amount in controversy \$ _____ (if applicable)

Because of these facts, the State agency or board has: (check at least one from each column)

_____ deprived me of property;

_____ ordered me to pay a fine or civil penalty, or

☒ otherwise substantially prejudiced my rights;

AND

_____ exceeded its authority or jurisdiction;

☒ acted erroneously;

☒ failed to use proper procedure;

_____ acted arbitrarily or capriciously; or

☒ failed to act as required by law or rule.

Date: May 8, 2014

Phone number: 336-479-7364

Full Address: 5842 Moravia Road Winston Salem, NC 27127

Print Your Name: Freddie Wayne Huff II

Your signature: Bang K. Henline (Attorney for petitioner Freddie Wayne Huff II)

You must mail or deliver a COPY of this Petition to the State agency or board named on line (3) of this form. You should contact the agency or board to determine the name of the person to be served.

CERTIFICATE OF SERVICE

I certify that this Petition has been served on the State agency or board named below by depositing a copy of it with the United States Postal Service with sufficient postage affixed OR by delivering it to the named agency or board:

Deborah McSwain
(name of person served)

North Carolina Department of Public Safety
(State agency or board listed on line 3)

4201 Mail Service Center
(street address/p.o. box)

Raleigh
(city)

NC
(state)

27699-4201
(zip code)

This the 8th day of May, 2014.

Bang K. Henline

(your signature)

When you have completed this form, you MUST mail or deliver the ORIGINAL AND ONE COPY to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714.

H-06 (05/10)